

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SIRDARIUS E. HALL,

Case No. 2:12-CV-01957-ST

Petitioner,

ORDER

v.

RICK COURSEY,

Respondent.

Thomas J. Hester
OFFICE OF THE FEDERAL PUBLIC DEFENDER
101 SW Main Street, Suite 1700
Portland, OR 97204

Attorney for Petitioner

Nicholas M. Kallstrom
OREGON DEPARTMENT OF JUSTICE
1162 Court Street NE
Salem, OR 97301-4096

Attorney for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Janice M. Stewart issued a Findings and Recommendation (“F&R”) [36] recommending that the Petition for Writ of Habeas Corpus [2] be denied and that Petitioner’s motion for an evidentiary hearing [31] be denied. Judge Stewart also recommended that a certificate of appealability be denied because Petitioner has not made a substantial showing of the denial of a constitutional right. Petitioner filed timely objections to the Magistrate Judge’s F&R. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

When any party objects to any portion of the Magistrate Judge’s F&R, as here, the district court must make a de novo determination of that portion of the Magistrate Judge’s report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). I have carefully considered Plaintiff’s objections and conclude that these objections do not provide a basis to modify the F&R. I have also reviewed the pertinent portions of the record de novo and find no error in the Magistrate Judge’s F&R.

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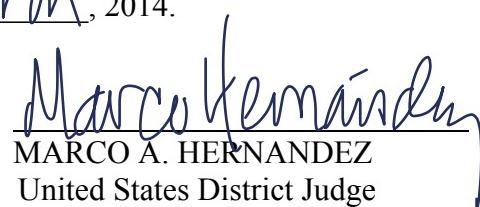
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CONCLUSION

The Court ADOPTS the Magistrate Judge's F&R [36]. Accordingly, the Petition for Writ of Habeas Corpus [2] is DENIED and Petitioner's motion for an evidentiary hearing [31] is DENIED. A certificate of appealability is also DENIED because Petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

DATED this 6 day of March, 2014.



MARCO A. HERNANDEZ
United States District Judge